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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,171	06/08/1999	BRENT K. PARRISH	062891.0284	6443

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CHRISTOPHER W KENNERLY
BAKER & BOTTS LLP
2001 ROSS AVENUE
DALLAS, TX 752012980

EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 04/28/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/328,171

Applicant(s)

PARRISH ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,12,14-18,20,21,24,26,37,38,40-44,53,54,56-60,62-65 and 67-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,12,14-18,20,21,24,26,37,38,40-44,53,54,56-60,62-65 and 67-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed on February 19, 2004, claims 11, 12, 14-18, 20, 21, 24, 26, 37, 38, 40-44, 53, 54, 56-60, 62-65, and 67-71 remains pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16, 17, 42, 43, 58, 59, 64, 65, 67, 68, 70, and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomikawa (U.S. Patent 4,760,572).

Regarding to claims 67, 68, 70, and 71, Tomikawa discloses a telecommunication device, comprising a local area network 1 (Fig. 2 col. 3 lines 46-48); a plurality of receivers (2 or 3) coupled to the network (Fig. 2 col. 3 lines 48-50); a sender (2 or 3) coupled to the network (Fig. 2 col. 3 lines 48-50) and operable to generate a message packet comprising a destination code (string of station address) and a data packet (text id), the destination code having plurality of positions (station addresses), each position corresponding to a particular a receiver (Fig. 9A col. 10 lines 39-55), the sender operable to identify one or more receivers for the data packet according to the values of the positions corresponding to the receivers (col. 10 lines 30-36), the sender operable to communicate the data packet to the identified receivers (col. 10 lines 36-38)

Regarding to claims 17, 43, 59, and 65, Tomikawa discloses the sender operable to communicate the destination code to each receiver (col. 5 lines 8-12), wherein each receiver has an associated received code and each receiver operable to receive the destination code and to compare the value for at least one position of the destination code with the value for at least one position of the receive code (col. 10 lines 56-62), each receiver operable to determine whether to receive the data packet according to the comparison (col. 11 lines 10-24).

Regarding to claims 16, 42, 58, and 64, Tomikawa discloses the sender is operable to communicate the data packet to one or more receivers as a multicast message (Fig. 3 col. 3 lines 65-68).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 24, 26, 37, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora in view of Tomikawa (U.S. Patent 4,760,572).

Regarding to claims 11, 26, 37, and 69, Acampora discloses a telecommunication device, comprising a local area network (col. 1 lines 15-25); a sender 101-103 coupled to the network (Fig. 1 col. 4 lines 66-67 and col. 5 lines 1-6) and operable to generate a message packet 501 comprising an arbitration code 514 (contention bits) and a data packet 510 (Fig. 5 col. 6 lines 47-62), the sender operable

to communicate a first value (most significant bit) of the arbitration code using the network and to determine a network value (col. 7 lines 16-19, the bus value), the sender operable to compare the first value with the network value to determine whether the sender may communicate the data packet using the network (col. 7 lines 19-27); and a plurality of receivers 101-103 also coupled to the network (Fig. 1 col. 4 lines 66-67 and col. 5 lines 1-6), the message further comprising a destination code 512 having values for a plurality of positions, wherein the sender identifying a receiver for the message packet according to the values of the positions corresponding to the receiver (Fig. 5 col. 6 lines 54-56).

Acampora fails to teach for the destination code comprising a plurality of positions with each position corresponding to a particular receiver and wherein each receiver has an associated received code and each receiver operable to receive the destination code and to compare the value for at least one position of the destination code with the value for at least one position of the receive code, each receiver operable to determine whether to receive the data packet according to the comparison.

However, Tomikawa discloses a multicast communication system comprising a destination code (information field) with a plurality of positions (station addresses), each position corresponding to a station addresses 3a, 3b, and 3d (Fig. 9A col. 10 lines 39-55); and a plurality of receivers (Fig. 1 col. 3 lines 46-64, stations 2 or 3 read on as receivers), wherein each receiver has a received code (intra-address) and each receiver compare to see if their intra-addresses are written in an area of the information field

(col. 10 lines 56-62). Based on the determination, each receiver decided whether to receive the data packet (Fig. 11 col. 11 lines 10-24).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the destination code with a plurality of positions and each position corresponding to each receiver as taught by Tomikawa in Acampora's system for simultaneous transmission of identical message to a plurality of arbitrarily designated stations. The motivation to do so would have been to improved transmission efficiency in which data can be sends in one single transmission, instead of multiple times, to a plurality of specified stations.

Regarding to claim 24, Acampora discloses the data packet is operable to be communicated to one or more receivers as a point-to-point message (col. 5 lines 28-31).

6. Claims 12, 14, 18, 20, 38, 40, 44, 54, 56, 60, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora and Tomikawa, further in view of Ganesh et al (U.S. Patent 6,553,000 B1).

Regarding to claims 12, 18, 38, 44, 54, and, 60, Acampora and Tomikawa discloses all the limitation with respect to claims 11, 17, 37, 43, 53, and 59, respectively, except for at least one receiver is operable to perform network snooping according to its associated receive code. However, Ganesh discloses a switching device with a management processor to perform snooping of network address (Fig. 6-8 col. 6 lines 55-67). Thus, it would have been obvious to one of ordinary skilled in the art to include the perform of snooping as taught by Ganesh in Acampora and Tomikawa's system to

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obtain network address/port information. The motivation to do so would have been to accommodate switching device with forwarding network traffic to the desired destination.

Regarding to claims 14, 20, 40, 56, and 62, Acampora and Tomikawa discloses all the limitation with respect to claims 67, 26, 68, 70, and 71, respectively, except for the device is a switching unit comprising a backplane and a control bus. However, Ganesh discloses a switching device with channel cards (backplane) and control bus (Fig. 2 col. 4 lines 6-10 and lines 55-59). Thus, it would have been obvious to one of ordinary skilled in the art to employ the switching device as taught by Ganesh in Acampora and Tomikawa's system to provided intermediate stations that establish temporary connections between communication devices. The motivation to do so would have been to forward network traffic over a vast geographic area.

7. Claim 15, 21, 41, 57, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora and Tomikawa, further in view of Rothschild et al (U.S. Patent 5,822,523).

Regarding to claims 15, 21, 41, 57, and 63, Acampora and Tomikawa discloses all the limitation with respect to claims 67, 26, 68, 70, and 71, respectively, including the message packet is of a physical layer message (Fig. 3 col. 3 lines 65-68 of Tomikawa). Acampora and Tomikawa fail to teach the data packet comprises a message packet associated with a higher level protocol comprising one of Internet Protocol IP, Transmission Control Protocol TCP, and User Datagram Protocol UDP.

However, Rothschild discloses a computer network system with message packet using one of Internet Protocol IP; Transmission Control Protocol TCP; and User Datagram Protocol UDP (col. 3 lines 41-44).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include a message packet using one of the above protocols as taught by Rothschild in Tomikawa's system to provided different connection services. The motivation to do so would have been to enable various applications to select which connection services is best suited for transmission.

Response to Arguments

8. Applicant's arguments filed February 19, 2004 have been fully considered but they are not persuasive. Regarding to Applicant's argument on page 17, Tomikawa fails to teach a "destination code having values for a plurality of positions, each position corresponding to a particular receiver" is directed to previously cited portion. As cited before, in Fig. 9A col. 10 lines 39-55, Tomikawa discloses a string of addresses (destination code) for a plurality of stations (positions), in the string addresses there is a corresponding address (each position) identifying a particular station. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the bit positions corresponding a particular receiver) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057

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(Fed. Cir. 1993). Thus, based on the reasons set forth in the above, the rejection remains held.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600